

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

KEVIN LEE HOERLE,

Plaintiff,

v.

Civil Case No. 21-11605  
Honorable Linda V. Parker

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

---

**OPINION AND ORDER**

On July 11, 2021, Plaintiff filed this lawsuit challenging a final decision of the Commissioner denying Plaintiff's application for social security benefits. On the same date, this Court referred the lawsuit to Magistrate Judge Patricia T. Morris for all pretrial proceedings, including a hearing and determination of all non-dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(A) and/or a report and recommendation ("R&R") on all dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(B). The parties subsequently filed cross-motions for summary judgment.

On June 16, 2022, Magistrate Judge Morris issued an R&R recommending that this Court deny the Commissioner's motion, grant in part and deny in part Plaintiff's motion, and remand the matter for further proceedings. At the

conclusion of the R&R, Magistrate Judge Morris advises the parties that they may object to and seek review of the R&R within fourteen days of service upon them. She further specifically advises the parties that “[f]ailure to file specific objections constitutes a waiver of any further right to appeal.” Neither Plaintiff nor Defendant filed objections to the R&R.

The Court has carefully reviewed the R&R and concurs with the conclusions reached by Magistrate Judge Morris. The Court therefore adopts the magistrate judge’s recommendations.

Accordingly,

**IT IS ORDERED** that the Commissioner of Social Security’s motion for summary judgment (ECF No. 13) is **DENIED**.

**IT IS FURTHER ORDERED** that Plaintiff’s motion for summary judgment (ECF No. 11) is **GRANTED IN PART AND DENIED IN PART**.

**IT IS FURTHER ORDERED** that the decision of the Commissioner is **REVERSED** and this matter is **REMANDED** to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g).

**IT IS SO ORDERED.**

s/ Linda V. Parker  
LINDA V. PARKER  
U.S. DISTRICT JUDGE

Dated: July 5, 2022